

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI**

“KC”)	
)	
Plaintiff,)	
)	
vs.)	
)	
KEITH WHITE,)	
DOUG SUMMERS,)	CASE NO. 6:18-CV-03045-BP
JEFFREY CURLEY,)	SEALED
KEVIN ARMSTRONG,)	
MARSHFIELD R-1 SCHOOL DISTRICT,)	
)	
and)	
)	
MARK MAYO,)	
)	
Defendants.)	

DEFENDANT MARK MAYO’S
MOTION TO INVOKE LOCAL RULE 7.0(c)(3)

COMES NOW Defendant Dr. Mark Mayo (“Defendant”) and respectfully moves this Court to, in accordance with Local Rule 7.0(c)(3), adjust the deadline for filing Defendant Mayo’s Reply in Support of his Motion for Summary Judgment, in light of Plaintiff’s late filing of her Brief in Opposition to Defendant Mayo’s Motion for Summary Judgment. In support of said Motion, Defendant Mayo states as follows:

1. Defendant Mayo filed his Motion for Summary Judgment regarding Plaintiff’s claims against him on May 24, 2019.
2. Plaintiff’s Response to Defendant Mayo’s Motion for Summary Judgment was due on June 14, 2019.

3. On June 14, 2019, at 9:21 p.m., the undersigned counsel received an email from Plaintiff's counsel indicating Plaintiff's Brief in Opposition to Defendant Mayo's Motion for Summary Judgment was attached.

4. Also on June 14, 2019, the undersigned counsel received notice through the CM/ECF system that Plaintiff's Suggestions in Opposition to Defendant Mayo's Motion for Summary Judgment had been filed.

5. As a result of Plaintiff's June 14, 2019, filing, a Reply deadline of June 28, 2019, was noted in the CM/ECF system.

6. A review of both the attachment contained in the June 14, 2019, email, and Document Number 110, filed with the Court on June 14, 2019, revealed only a one (1) page Table of Contents, and no substantive response to Defendant Mayo's Motion for Summary Judgment.

7. Following an email from undersigned counsel to Plaintiff's counsel on June 16, 2019, Plaintiff's Brief in Opposition to Defendant Mayo's Motion for Summary Judgment was sent via email to the undersigned counsel at 10:32 p.m. on Sunday, June 16, 2019, two (2) days after the Reply deadline was generated in the CM/ECF system.

8. Plaintiff's Opposition to Defendant Mayo's Motion for Summary Judgment was filed with the Court through the CM/ECF system on Monday, June 17, 2019. The deadline for Defendant Mayo's Reply in Support of his Motion for Summary Judgment was not adjusted to reflect Plaintiff's late filing, and remained June 28, 2019.

9. As a result of the late filing of Plaintiff's Brief in Opposition to Defendant Mayo's Motion for Summary Judgment, Defendant Mayo has been deprived of two (2) of the fourteen (14) days allotted by Local Rule 7.0(c)(3) to analyze Plaintiff's Response and prepare a Reply.

10. In the interest of justice, Defendant Mayo requests that the deadline for his Reply in Support of his Motion for Summary Judgment be adjusted to allow the full fourteen (14) days to respond to Plaintiff's Brief in Opposition. As this date would fall on Sunday, June 30, 2019, pursuant to Local Rule 7.0(c)(3), Defendant Mayo's Reply deadline is **Monday, July 1, 2019**.

WHEREFORE, Defendant Mayo prays that the Court adjust the deadline for filing his Reply in Support of Motion for Summary Judgment be moved to **July 1, 2019**, pursuant to Local Rule 7.0(c)(3).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2019, the foregoing document was filed using the ECF Filing System, which provided electronic copies to the following:

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MARSHFIELD R-1 SCHOOL DISTRICT

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